



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
MARCH 3, 2014**

Regular Meeting

A Regular Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Monday, March 3, 2014 at 7 p.m.

Present

Mayor Daniel T. Drew, and Council Members Thomas J. Serra, Mary A. Bartolotta, Hope Kasper, Robert P. Santangelo, Grady L. Faulkner, Jr., Carl R. Chisem, Gerald E. Daley, James B. Streeto, Sebastian N. Giuliano, Sandra Russo Driska, Deborah Kleckowski and David Bauer; Corporation Counsel Daniel B. Ryan; Sergeant-at-arms Officer Haddad; and Common Council Clerk Marie O. Norwood.

Also Present

Hartford Courant Reporter Shawn Beals, Middletown Press Reporter Alec Gecan and 25 members of the public

1. Meeting Called to Order

The Chair opens the meeting at 7:01 p.m. and welcomes public to the Council meeting; he leads the public in the Pledge of Allegiance.

The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal Meeting.

2. Accept/Amend the Agenda

Councilman Thomas J. Serra reads and moves for approval the agenda by adding agenda item 11L, the appointments to Mattabassett Regional District and substitute agenda item 12, Mayor's Appointments. Councilman Robert P. Santangelo seconds the motion. The Chair calls for the vote. It is unanimous to amend with 11 aye votes. The Chair states the matter passes unanimously with 11 affirmative votes.

3. Presentations:

3A. Presentation

Councilman Faulkner reads the resolution for approval. He states it is an appropriate memorial for an extraordinary woman. He states I confess I did not author this and invites Faith Jackson to come forward for comments and thanks the Council for their support and the employees for authoring this. Ms Jackson thanks Tayna Oliver Perry and Chris Cyganik who worked with Annette. To the Ward family on behalf of Human Relations, Walter C. Jones Fund and Affirmative Action Committee they are saddened by this loss. She was strongly committed to her community. When she retired, she served on the Affirmative Action Committee to ensure the diversification of the work force. When she couldn't make a meeting, she was still working from her hospital bed. Ms Jackson was honored to have worked with her just as she is sure all the others who worked with Annette felt the same. She was an inspiration and a great counsellor for so many. In her memory, a donation has been made to the Derrick Ward Education Foundation. We wish him much success in all his endeavors. She is grateful to have known and worked with her.

Councilman Serra states it was his pleasure in the 1980's to vote for confirmation of Annette Ward as assistant and director of the Welfare Department. She was my secretary for the Moody School Building Committee. He really sees her as a compassionate and dedicated person. Annette was called in to solve a problem regarding a family living in a beat up pick-up truck and that day they were in a motel and a few weeks later, in housing. She took care of that family. He saw that person a couple of years ago and he has never forgotten Annette. We will miss her.

Councilman Giuliano states in 2001 he had the privilege to run on the ticket with Annette for the Council. Annette missed it by a handful of votes and the story just told tells who she was. He wonders what the Council would have been like if she was on it. She would have been magnificent. Everyone who knew her misses her. Middletown is better for her choosing to live in Middletown. He thanks her husband for sharing her with us.

Mr. Ward thanks the Council for what they have done.

The Chair states without objection the resolution is approved by acclamation. The public honors Annette Ward with a standing ovation.

Resolution No.	24-14
File Name	ccwardannette2014memoriam2
Description	Honoring Annette Ward in Memoriam.
(Approved)	

WHEREAS, Annette B. Ward, born in Tallahassee, Florida to Lucy and Irvin Brown passed away on December 28, 2013; and

WHEREAS, she was the wife of Relford “Mitch” Ward for fifty-two years; she is survived by her son Relford Ward, Jr. and Debra, daughter-in law, Mary Jane, grandson Derrick Ward and Godson Alex Perry, along with many other family members and friends; and

WHEREAS, Annette was predeceased by her son, Reginald Lorenzo Ward and granddaughter Madeline Tirado; and

WHEREAS, Annette moved to Middletown, CT. in 1963. She attended Middlesex Community College receiving an AA and attended Central Connecticut State University where she received her BA. She was employed by Connecticut Valley Hospital for 22 years; and

WHEREAS, in 1984, she became the Job Coordinator for the City of Middletown’s Welfare Department; in 1986 she became the Assistant Director of the Department; and in 1987, the Director. She held that position until her retirement in 1998; and

WHEREAS, Annette was involved with Middletown’s Community; she was a member of the Shiloh Missionary Baptist Church where she served as the Chair of the Deaconess and Mother’s ministry; she was a member of the Gospel Chorus, Mass Choir, and 8 A.M. Choirs; and

WHEREAS, Annette served on City Committees and Commissions and maintained her term on the Walter C. Jones Fund, Affirmative Action Committee until her passing; she was a member of the Middlesex County NAACP; she also sat on the Board of Directors for Shiloh Manor and the Republican Town Committee; and

WHEREAS, Annette was the first female minority Director for the City of Middletown.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we recognize her dedication to her community; she served Middletown in many ways, as employee, volunteer, and citizen. She loved her family and community and was committed to ensuring that both prosper and grow. Annette was a role model for all citizens to emulate; and

BE IT FURTHER RESOLVED: That we offer the City’s condolences to her family and friends; as an active, respected member of the community, she will be missed.

3B. Presentation

Councilman Daley states Russell Library is a gem for us. He spent time as a boy in the Library and in recent years Art Meyer’s leadership has shown the evolution of the library with technology and different types of programs and focus on historical and cultural programs. He does a good job. The Library is one of the greatest treasures in Middletown. He goes on to say that there are not many Irish descendants in Middletown, and Midleton is where many of the Irish immigrants came from that are here in Middletown today. He thanks Arthur Meyers.

Councilman Serra congratulates Art; last time was Sicilian heritage and he is showing the heritage and roots of our community and hopefully next year another ethnic background will be shown as the roots of this community. Great job.

Mr. Meyers states he appreciates this; everything we do is made possible through your support.

The Chair states without objection, the resolution can be approved by acclamation.

Resolution No.	25-14
File Name	ccrussellibIrishAmericanHeritageMonth
Description	Congratulating Russell Library for Irish American Heritage Month In Middletown.

(Approved)

WHEREAS, the mission of Russell Library is to be *A Gateway to the Future of Middletown*, providing our diverse community with the highest quality of library service, reliable information, and lifelong educational, recreational and cultural resources for all ages, abilities and backgrounds; and

WHEREAS, Russell Library has arranged a series of exhibits and programs during March 2014, celebrating the rich heritage of the Irish American experience in Middletown; and

WHEREAS, it was made possible through funding from the Friends of the Russell Library and other sources; and

WHEREAS, “From Midleton to Middletown: An Irish Immigrant’s Story,” conveys the emigration of a family from Midleton, Ireland, to Middletown, Connecticut, in the 1880’s; and

WHEREAS, “The Irish of Middletown: A Glimpse into the Past,” broadens our understanding of Middletown in the 19th and 20th centuries through photographs and documents; and

WHEREAS, “Ireland in Photos” are photos of the beautiful land taken by Jason Neely, Head of Information Services at Russell Library, during a recent trip; and

WHEREAS, “Celebrating the Irish Music and Dance Roots of Middletown” will be performed by the Atwater-Donnelly Duo and sibling band, The Millers, funded in part by the Meigs Fund of Wesleyan University History Department; and

WHEREAS, “Middletown’s Irish Heritage at Russell Library” will be a talk by Debby Shapiro, Executive Director of the Middlesex County Historical Society; and

WHEREAS, “Irish Genealogy Workshop” will be presented by the Connecticut Irish-American Historical Society, showing how to research Irish family history, and

WHEREAS, “Middletown Irish Heritage Project ~ Photo Scanning Day” will be an opportunity to add your family’s Irish history to Middletown’s history;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate Russell Library for celebrating “**Irish American Heritage Month in Middletown,**” as part of our rich community diversity; and

BE IT FURTHER RESOLVED: That we encourage all citizens to participate in and enjoy this wonderful series of exhibits and programs in Russell Library during March 2014.


Noted for the Record

Councilman Faulkner sees Reverend Cotton has come in and wonders if he can come forward to say some words about Annette Ward.

The Chair states without objection; hearing none, he asks Reverend Cotton to come forward. Reverend Cotton comes forward and states good evening and he is sorry about running late. He wanted to be here to show his respect to the Ward family. You have our prayers and congratulations.

4. **Mayor requests motion to approve minutes.**
The minutes having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council member, the reading of the same having been dispensed with, the Chair requests a motion to approve the minutes of: Regular meeting of February 4, 2014 at 7 p.m. and Special meeting of February 4, 2014 at 6 p.m. Councilman Thomas J. Serra reads and moves them for approval; Councilman Robert P. Santangelo seconds the motion. The Chair asks if there is any discussion. Seeing none, he calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matters pass unanimously with 12 affirmative votes. No one is absent from the meeting.
5. **Public Hearing Opens on Agenda Items**
The Chair opens the public hearing at 7:22 P.M. asking any member of the public wishing to speak on any agenda item to come forward and state their name and address for the record and to limit remarks to five minutes.
6. **Public Hearing on Agenda Items Closes.**
The Chair, seeing no members of the public wishing to speak, closes the public hearing at 7:22 p.m.
7. **Mayor requests Council Clerk to read appropriation and bond ordinance requests and the Certificate of Director of Finance.**
The Clerk reads the appropriation and bond ordinance requests and the Certificate of the Director of Finance into the record.

Appropriation Request:



CITY OF MIDDLETOWN

MAYOR'S OFFICE
MUNICIPAL BUILDING


7

NOTICE OF PUBLIC HEARING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on Monday, March 3, 2014 at 7:00 p.m. to consider and act upon the following:

Health Department General Fund	\$3,000, Account No. 1000-26500-56200-0726, Shelter Grant,
Town Clerk's Office Administration, Elections, Contractual, General Fund	\$6,863.90, Account No. 1000-04000, Various, Gen.
Planning, Conserv. & Dev. General Fund	\$10,000, Account No. 1000-27000-55426, Survey Bear Hill Road,
Planning, Conserv. & Dev. St. Homes, General Fund	\$80,000, Account No. 1000-27000-59217, Demolition Wadsworth
General Council Office Perm., General Fund	\$40,000, Account No. 1000-05000-51110, Salaries & Wages, FT
Public Works Overtime, General Fund	\$425,000, Account No. 1000-22000-51360-0226, Winter/ Snow
Public Works/Parks General Fund	\$25,000, Account No. 1000-32000-51360-0320, Winter/ Snow OT,
Finance Department Fund	\$5,000, Account No. 1000-03000-52120, Conferences, General

Any and all persons interested may appear and be heard.

ATTEST

MAYOR DANIEL T. DREW
Mayor

Dated at Middletown, Connecticut, this 21st day of February, 2014.

The Council Chamber is wheelchair accessible. If you require special accommodations for any meeting, please call the (860) 638-4812 (TDD/TTY) or the Town Clerk's Office at (860) 638-4910 at least ten days prior to the scheduled meeting.

Bond Ordinance Notice:



MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on March 3, 2014, at 7 p.m. to consider and act on the following:

AN ORDINANCE APPROPRIATING \$749,000 FOR TRACK RESURFACING AND IMPROVEMENTS AND TENNIS COURT IMPROVEMENTS AT WOODROW WILSON MIDDLE SCHOOL AND AUTHORIZING THE ISSUE OF \$749,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

AN ORDINANCE APPROPRIATING \$494,000 FOR THE PURCHASE OF A FIRE TRUCK AND RELATED EQUIPMENT AND AUTHORIZING THE ISSUE OF \$494,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Any and all persons interested may appear and be heard. The complete text of each proposed Ordinance is on file and open to public inspection in the office of the City Clerk.

ATTEST:

Daniel T. Drew
Mayor

Dated at Middletown, Connecticut, this 18th day of February, 2014.

The Council Chamber is wheelchair accessible. If you require special accommodations for any meeting, please call the ADA Coordinator at (860) 344-3491 (voice) or (860) 344-3521 (TDD/TTY) or the Town Clerk's Office at (860) 344-3459 prior to the scheduled meeting.

Certificate of Director of Finance:

MEMORANDUM

TO: His Honor, Mayor Daniel T. Drew and
Members of the Common Council

FROM: Finance Department

DATE: February 26, 2014

RF: Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting on March 3, 2014 are available as follows:

General Fund	\$594,953.90
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Truck Resurfacing & Tennis Court Improvements At Woodrow Wilson Middle School Ordinance Bond Issue	\$749,000
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Purchase of a Fire Truck & Related Equipment	\$494,000
Ordinance Bond Issue	

~~Respectfully submitted~~

Carl Erlacher
Director of Finance

Rec'd
2-27-74
YMN

- 7A. Health Department \$3,000, Account No. 1000-26500-59200-0726, Shelter: Grant, General Fund.
(Approved)**

Councilman Streeto reads and moves for approval the appropriation for the Health Department \$3,000, Account No. 1000-26500-59200-0726, Shelter: Grant, General Fund. Councilwoman Kleckowski seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes

- 7B. Town Clerk's Office \$6,953.90, Account No. - Various (Gen. Administration, Elections, Contractual), General Fund.
(Approved)

Councilman Thomas J. Serra reads and moves for approval the appropriation request for the Town Clerk's Office \$6,953.90, Account No. Various, Gen. Administration, Elections, Contractual, General Fund.

Councilman Streeto seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

7C. Planning, Cons. & Dev. \$10,000, Account No. 1000-27000-55428, Survey Bear Hill Road, General Fund. (Approved)

Councilman Gerald E. Daley reads and moves for approval the appropriation for Planning, Conserv. & Dev. \$10,000, Account No. 1000-27000-55428, Survey Bear Hill Road, General Fund. Councilman Streeto seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

7D. General Counsel Office \$40,000, Account No. 1000-05000-51110, Salaries & Wages, FT Perm., General Fund. (Approved)

Councilwoman Mary A. Bartolotta reads and moves for approval the appropriation request for the General Counsel Office \$40,000, Account No. 1000-05000-51110, Salaries & Wages, FT Perm., General Fund. Councilman Robert P. Santangelo seconds the motion.

Councilman Giuliano states this is a close call for him. We are less than 30 days from the budget and filling this position now locks the Council in for the position for next year. Should we postpone this until the April Meeting so we have the Mayor's budget in hand and we will have a good idea of the picture.

Motion to Postpone

Councilman Sebastian N. Giuliano reads and moves to postpone acting on the appropriation for the General Counsel Office \$40,000. Councilwoman Deborah Kleckowski seconds the motion.

Councilman Daley is not in favor of postponing. There is need to move the position forward for the next fiscal year. I don't think we are locked in to fund the position until the person is actually hired and I don't see a person hired if the budget is adopted in May. We won't have applications until April. I would say this; it is incumbent on the Mayor to fund it in his budget to us. If it is not in the Mayor's budget, I would be willing to support withdrawing support of the position. If we decide not to fund it then we only expend what is needed for the approval process. There are constraints on the General Counsel Office. The Mayor states he will be funding it because we have been able to keep outside counsel costs down from millions. It will be in his proposed budget. Councilman Serra states they support this in the caucus and that you will fund it. Councilwoman Kasper states she will support the postponement until April when we do receive the budget. She has concerns on the revals and the increases we are facing in the budget. She would like to see what the proposed budget is. Councilman Serra states he will not support postponement. Councilman Streeto states he will not support postponement for the reasons articulated.

Point of Information

Councilman Serra states the point needs to be made if we do not find someone before July 1, the \$40,000 will go back to the general fund.

The Chair calls for the vote. It is four aye votes by Councilwoman Hope P. Kasper, Councilman Sebastian N. Giuliano, Councilwoman Deborah Kleckowski, Councilman David Bauer; 7 nay votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Robert P. Santangelo, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilwoman Sandra Russo Driska. The Chair states the matter failed with 4 affirmative votes, 7 in opposition and 0 abstentions.

Councilwoman Driska states after hearing what the Dem caucus has to say and speaking with Attorney Smith, listening to directors is paramount. Kori was brought in, but there is an abundance of work and she can't focus on some of the tasks she was brought in to do. Councilwoman Driska will rely on her fellow Council members and if it goes awry, the funds go back to the general fund. It will to give the director the leeway to do what needs to be done. Councilman Faulkner states he will support this. Overall, we agreed with the Task Force recommendations for that office and this will be following through on that endorsement. Councilman Giuliano states since we are voting on the appropriation itself, he will vote in favor of it and leave it in the best discretion of General Counsel to proceed with all deliberate speed.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

7E. Public Works \$425,000, Account No. 1000-22000-1360-0226, Winter/Snow Overtime, General Fund. (Approved)

Councilman Carl R. Chisem reads and moves for approval the appropriation request for Public Works \$425,000, Account No. 1000-22000-51360-0226, Winter/Snow Overtime, General Fund. Councilman Streeto seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

**7F. Public Works/Parks \$25,000, Account No. 1000-32000-51360-0320, Winter/Snow OT, General Fund.
(Approved)**

Councilman Streeto reads and moves for approval the appropriation request for Public Works/Parks \$25,000, Account No. 1000-32000-51360-0320, Winter/Snow OT, General Fund. Councilman Robert P. Santangelo seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

**7G. Finance Department \$5,000, Account No. 1000-03000-52120, Conferences, General Fund.
(Approved)**

Councilwoman Hope P. Kasper reads and moves for approval the appropriation request for the Finance Department \$5,000, Account No. 1000-03000-52120, Conferences, General Fund. here. Councilman Grady L. Faulkner, Jr. seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes. None is absent from the meeting.

**7H. Planning, Conserv. & Dev. \$80,000, Account No. 1000-27000-59217, Demolition Wadsworth St. Homes, General Fund.
(Approved)**

Councilman Robert P. Santangelo reads and moves for approval the appropriation request for Planning, Conserv. & Dev. \$80,000, Account No. 1000-27000-59217, Demolition Wadsworth St. Homes, General Fund. Councilman Thomas J. Serra seconds the motion.

Councilman Bauer states he will reluctantly support this and the property will be demolished and Middletown is doing better than the State of CT who allowed the property to fall into such a blighted state. We hope the City will continue to pursue the State to do their duty and turning this over in this blighted state is unfair and he hopes we use the City's power to do due diligence. Councilman Giuliano asks the time table. The Chair states as soon as sight control occurs, they will demolish the properties. They have been aggressive on this for about a year and a half. He is not in a position to give an exact date. Councilman Giuliano echoes what Councilman Bauer says. We may as well take responsibility. Councilman Serra states it was endorsed by Finance.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

7I. An Ordinance Appropriating \$749,000 for Track Resurfacing and Improvements at Woodrow Wilson Middle School and Authorizing the Issue of \$749,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose.

The Chair calls on Councilman Chisem who moves for approval the Bond Ordinance.

Point of Order

Councilman Serra states that the first section of the ordinance needs to be read into the record. Councilman Chisem reads Section 1 of the bond ordinance.

Motion to Waive the Rules

Councilman Serra moves to waive the rules to waive the reading of the rest of the ordinance. Councilwoman Bartolotta seconds the motion. The Chair, hearing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the motion carries unanimously.

Councilman Carl R. Chisem moves for approval an Ordinance Appropriating \$749,000 for Track Resurfacing and Improvements at Woodrow Wilson Middle School and Authorizing the Issue of \$749,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose. Councilman Thomas J. Serra seconds the motion.

Councilman Serra states this has been in the works for two years and Public Works will hire someone to look at all the parks to see what needs to be done. This is the first step, the tennis courts in particular for recreation in the parks. They will review all the parks.

Councilman Bauer states to continue with what has been said and he will support this because this is turning over a new leaf on how our City is working on the parks. It has a funny dollar amount and he is usually cautious. They worked up to this even on my recommendation that it have a useful life of 20 years and hopes we can get a guarantee on the useful life. He is being an optimist. And this is a new way to approach this.

Councilman Faulkner assures the public, he did research and had concerns that this is how we maintain our structures and we had a schedule and got thrown off it and he will support this and hopes he will not let things get off schedule

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Ordinance No. 02-14
File Name MBOWoodrowWilsonMiddleSchoolTrack&TennisCourts
Description An Ordinance Appropriating \$749,000 for Track Resurfacing and Improvements at Woodrow Wilson Middle School and Authorizing the Issue of \$749,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose.
(Approved)

Section 1. The sum of \$749,000 is hereby appropriated for track resurfacing and improvements and tennis court improvements at Woodrow Wilson Middle School, and for all related services, improvements and costs, including, without limitation, the removal of existing track surfacing, the reclaiming of asphalt, the installation of an asphalt pavement base and polyresin track surfacing, track field event reconditioning, the installation of post-tension concrete base, coating, net resetting, crack sealing and repair, and perimeter fencing, licenses and permits, site work, testing, surveying, engineering, and all other costs necessary or appropriate for the project, including a contingency amount necessary to cover unexpected construction costs, as well as administrative, advertising, printing, legal, and financing costs related thereto (hereinafter the "Project"). Said appropriation shall be inclusive of state and federal grants in aid thereof.

Section 2. The expected useful life of the Project is in excess of twenty (20) years. The total estimated cost of the Project is \$749,000, no portion of which is expected to be paid from sources other than the proposed bond issue.

Section 3. To meet said appropriation, \$749,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City's share of Project costs determined after considering the estimated amounts of grants in aid of the Project and will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. The bonds shall bear such rate or rates of interest (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation, the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the

expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the City Treasurer, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 9. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 11. The Mayor, the City Treasurer, the Director of Finance and any other proper City official are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.

Section 12. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.

Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 14. This ordinance shall become effective fifteen days after its publication in a newspaper of general circulation in the City pursuant to Section 5 of the City Charter.

DEBT STATEMENT

December 31, 2013

CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")

Fiscal Year Ended June 30, 2013	\$109,141,805
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BORROWING CAPACITY FOR EACH CLASS

2-1/4 times base for General Purposes	\$245,569,061
4-1/2 times base for Schools	\$491,138,123
3-3/4 times base for Sewers	\$409,281,769
3-1/4 times base for Urban Renewal	\$354,710,866

3 times base for Unfunded Past Benefit Obligations	\$327,425,415
MAXIMUM AGGREGATE BORROWING CAPACITY	\$763,992,635
7 times Base	
INDEBTEDNESS BONDS AND NOTES:	
GENERAL PURPOSES	\$45,673,160
SCHOOLS	19,296,240
SEWERS	4,058,260
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
BONDS AND NOTES AUTHORIZED BUT	
UNISSUED:	
GENERAL PURPOSES	48,868,910
SCHOOLS	1,108,600
SEWERS	44,557,330
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
CLEAN WATER FUND LOANS:	
SEWERS	<u>4,460,192</u>
SUB-TOTAL INDEBTEDNESS	\$168,022,692
LESS	
FEDERAL AND STATE OF CONNECTICUT	
BUILDING GRANTS, COMMITMENTS AND RECEIVABLES	
GENERAL PURPOSE	-
SCHOOLS	-
SEWERS	-
URBAN RENEWAL	-
TOTAL DEDUCTIONS	<u>\$0</u>
NET INDEBTEDNESS	\$168,022,692
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:	
GENERAL PURPOSE	\$151,026,991
SCHOOLS	\$470,733,283
SEWERS	\$356,205,987
URBAN RENEWAL	\$354,710,866
UNFUNDED PAST BENEFIT OBLIGATIONS	\$327,425,415
BALANCE OF MAXIMUM AGGREGATE BORROWING	
CAPACITY AVAILABLE	\$595,969,943

7J. An Ordinance Appropriating \$494,000 for the Purchase of a Fire Truck and Related Equipment and Authorizing the Issue of \$494,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose.

The Chair recognizes Councilman Santangelo who reads Section 1 of the Bond Ordinance for the Fire Department.

Motion to Waive the Rules

Councilman Serra moves to waive the reading of the rest of the ordinance. Councilwoman Kasper seconds the motion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Councilman Robert P. Santangelo moves for approval an Ordinance Appropriating \$494,000 for the Purchase of a Fire Truck and Related Equipment and Authorizing the Issue of \$494,000 Bonds of the City to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose. Councilman Sebastian N. Giuliano seconds the motion.

Councilman Giuliano asks if it is a pass through for the Fire Department, an obligation for them. The Chair responds yes.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Ordinance No. 03-14
File Name MBOFireTruck&RelatedEquipment(2_4_14)
Description An Ordinance Appropriating \$494,000 For The Purchase Of A Fire Truck And Related Equipment And Authorizing The Issue Of \$494,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.

(Approved)

Section 1. The sum of \$494,000 is hereby appropriated for the purchase of a fire truck and related equipment, including, without limitation, a pumper, hoses, reels and rescue tools, as well as any additional mounting, equipment, consultants, testing, legal, administrative, financing and other related costs as may be accomplished within said appropriation (hereafter the "Project"). Said appropriation shall be inclusive of state and federal grants in aid thereof.

Section 2. The expected useful life of the Project is at least fifteen (15) years. The total estimated cost of the Project is \$494,000, no portion of which is expected to be paid from sources other than the proposed bond issue.

Section 3. To meet said appropriation \$494,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the fifteenth (15th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City's share of Project costs determined after considering the estimated amounts of grants in aid of the Project and will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. The bonds shall bear such rate or rates of interest (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation, the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of

preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the City Treasurer, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 9. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 11. The Mayor, the City Treasurer, the Director of Finance and any other proper City official are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.

Section 12. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.

Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 14. This ordinance shall become effective fifteen days after its publication in a newspaper of general circulation in the City pursuant to Section 5 of the City Charter.

**DEBT STATEMENT
December 31, 2013
CITY OF MIDDLETOWN, CONNECTICUT**

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")

Fiscal Year Ended June 30, 2013	\$109,141,805
BORROWING CAPACITY FOR EACH CLASS	
2-1/4 times base for General Purposes	\$245,569,061
4-1/2 times base for Schools	\$491,138,123
3-3/4 times base for Sewers	\$409,281,769
3-1/4 times base for Urban Renewal	\$354,710,866
3 times base for Unfunded Past Benefit Obligations	\$327,425,415

MAXIMUM AGGREGATE BORROWING CAPACITY	\$763,992,635
7 times Base	
INDEBTEDNESS BONDS AND NOTES:	
GENERAL PURPOSES	\$45,673,160
SCHOOLS	19,296,240
SEWERS	4,058,260
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
BONDS AND NOTES AUTHORIZED BUT UNISSUED:	
GENERAL PURPOSES	48,868,910
SCHOOLS	1,108,600
SEWERS	44,557,330
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
CLEAN WATER FUND LOANS:	
SEWERS	<u>4,460,192</u>
SUB-TOTAL INDEBTEDNESS	\$168,022,692
LESS	
FEDERAL AND STATE OF CONNECTICUT	
BUILDING GRANTS, COMMITMENTS AND RECEIVABLES	
GENERAL PURPOSE	-
SCHOOLS	-
SEWERS	-
URBAN RENEWAL	-
TOTAL DEDUCTIONS	<u>\$0</u>
NET INDEBTEDNESS	\$168,022,692
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:	
GENERAL PURPOSE	\$151,026,991
SCHOOLS	\$470,733,283
SEWERS	\$356,205,987
URBAN RENEWAL	\$354,710,866
UNFUNDED PAST BENEFIT OBLIGATIONS	\$327,425,415
BALANCE OF MAXIMUM AGGREGATE BORROWING	
CAPACITY AVAILABLE	\$595,969,943

8. Old Business:

- A. Authorizing the Mayor to sign the "Acceptance Certificate as outlined in the May 12, 2008 Agreement between the City of Middletown and Kleen Energy Systems, LLC; approving the initial rate of service for the Kleen Energy Water District at \$8.67 per thousand cubic feet metered, billed, and collected by the Water Department; and approving establishing a separate revenue fund account for the Kleen Energy Water District.**

Councilwoman Kasper moves to approve agenda item 8A; her motion is seconded by Councilman Faulkner.

Motion to Postpone

Councilman Thomas J. Serra reads and moves for approval postponing this until April 7, 2014. There is a possibility that the agreement might be more beneficial to Middletown. Councilman David Bauer seconds

the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No. 26-14
File Name wskleenenergy12-05-13waterdeptfinal
Description Authorizing the Mayor to sign the "Acceptance Certificate as outlined in the May 12, 2008 Agreement between the City of Middletown and Kleen Energy Systems, LLC; approving the initial rate of service for the Kleen Energy Water District at \$8.67 per thousand cubic feet metered, billed, and collected by the Water Department; and approving establishing a separate revenue fund account for the Kleen Energy Water District.
(POSTPONED TO APRIL 7, 2014 MEETING)

WHEREAS, the Kleen Energy Water District Facility at the Kleen Energy Plant has been completed; and

WHEREAS, the City will assign the operational jurisdiction to the Water Department on behalf of the City of Middletown; and

WHEREAS, the Water Pollution Control Authority recommends the City accept the facility for consideration as set forth in the contract.


NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Daniel T. Drew sign the "Acceptance Certificate" as more specifically outlined in the May 12, 2008 Agreement between the City of Middletown and Kleen Energy Systems, LLC; and

BE IT FURTHER RESOLVED: That the WPCA recommends the attached line item budget for the facility for the rest of the fiscal year, commencing on January 6, 2014; and

BE IT FURTHER RESOLVED: That a separate revenue fund account for the Kleen Energy Water District be established with the initial rate of service set at \$8.67 per thousand cubic feet (hereinafter referred to as the "Kleen Energy Water District Rate") and metered, billed and collected by the Middletown Water Department.

Fiscal Impact: Non-applicable. Cost of service agreement per contract.

9. **Department, Committee, Commission Reports and Grant Confirmation Approvals:**
Councilman Thomas J. Serra reads and moves for approval Department, Committee, Commission Reports and Grant Confirmation Approvals for Agenda item 9A, 9B, 9C, 9D, 9E, and 9F. Councilman David Bauer seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.
- A. **Town and City Clerk’s Certificate (Approved)**




City of Middletown
City & Town Clerk's Office
245 deKoven Drive
Middletown, CT 06457

February 26, 2014

I, Linda Bettencourt, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on February 3, 2014 at 7:00 p.m. and the special meeting on February 3, 2014 at 6:00 p.m., have been advertised in the local newspaper.

Attest:



Linda Bettencourt
City & Town Clerk

Dated at Middletown, Connecticut, this 26th day of February, 2014.

❖Phone (860) 638-4910 ❖Fax (860) 638-1910 ❖TDD (860) 638-4812

B. Monthly Reports:
Finance Department - Transfer Report to February 24, 2014
(Approved)

Transfers of Funds - Operating Budget Accounts					
FY 2013-2014					
Date	Department	Budget Item	From Account No.	To Account No.	Amount
01/27/14	Recreation	Busing	1000-32000-55415-0321	1000-32000-53115-0321	(2,100.00)
		Misc Supplies			2,100.00
01/27/14	Health	General Administrative	1000-31000-52110	1000-31000-51340	(2,500.00)
		Overtime			2,500.00
01/27/14	Recreation	Busing	1000-32000-55415-0321	1000-32000-52165-0321	(300.00)
		Professional Memberships			300.00
01/28/14	Parking	Major Repair & Replacement	1000-16500-53266	1000-16500-55610	(2,000.00)
		General Tech. Maint. & Improvement			2,000.00
02/03/14	Police	Overtime	1000-18000-51340-0180	1000-18000-51395-0180	(5,000.00)
		Court Appearances			5,000.00
02/03/14	Fire Alarm	Gasoline	2010-50000-53540-0501	2010-50000-53380-0500	(2,000.00)
		Repairs/Maintenance to Buildings			2,000.00
02/11/14	Finance	Diesel Fuel	1000-03000-54160-0030	1000-03000-52120	(769.55)
		Conferences			769.55
02/13/14	PW/Bldg & Grnds	Building Materials	1000-22000-53235-0229	1000-22000-55185	(2,500.00)
		Contractual Services			2,500.00
02/13/14	Library	Data Services Online	1000-07000-53420		(2,381.31)
		Salaries & Wages, PT Perm	1000-07000-51215	1000-07000-51340	(5,000.00)
		Overtime			7,381.31
02/13/14	Recreation	Misc Supplies	1000-32000-53115-0321	1000-32000-52165-0321	(1,000.00)
		Printing			1,000.00
02/13/14	Special	Special Programs	1000-27000-57030-0011	1000-27000-55663	(47.83)
		Music Licenses			47.83

9B

CC2013

C. Grant Confirmation and Approval - Board of Education, Various Grants
(Approved)

Date of Request: 2/18/201
Name of Grant: As Listed Below
Amount \$3,039,024.87
Code: 2450-33000-59405-X-03025
Grant Period: From: 7/1/2013 To: 6/30/201
Type of

Amount Loaned from General \$0.00

Department Administering Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

769 - Middletown Teen Theater \$10,448; 778 - Constellation New Energy \$2,364.81; 820 - Parent Leadership-PLTI & PEP \$5,000; 840 - Excess & New Cost Special Education \$2,375,004; 852 - Universal Service Fund \$30; 854 - United Way-Youth Service Development \$18.15; 855 - United Way-Healthy Youth \$4,250; 894 - Swaim Strings Program \$1,170; 700 - Food Services Receipts \$350,350.11; 801 - Retiree/Cobra Insurance \$185,169.13; 803 - Workers' Compensation \$2,550.93; 804 - Preschool Program Receipts \$8,937; 807 - Aetna Classified \$2,800.12; 809 - Maintenance/Rentals \$10,233.75; 823 - Central Office Receipts \$9,385.36; 833 - Adult Ed Receipts \$31,060.50; 893 - Fingerprinting Receipts \$181.50; 895 - Special Education Tuition Reimbursement \$38,871.51; 902 - Student Activities-W.W.M.S. \$1,200 Total Special Programs Through 1/13/2014 \$11,533,016.50 ADDITIONS \$3,039,024.87 Total Special Programs Through 2/18/2014 \$14,572,041.37

Requested by: Patricia Charles, ED.D.

D. Grant Confirmation and Approval - Police Department, Animal Control (Approved)

Date of Request: 2/18/201
Name of Grant: Animal Control Shelter Donations
Amount \$0.00
Code: 2130-18000-57030-0182-03131
Grant Period: **From:** **To:**
Type of Local
Amount Loaned from General \$0.00
Department Administering Police Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

This account would be for donations received specifically for the building/creation of an animal shelter in Middletown. Community members have been making donations since the issue has received a great deal of publicity in recent months. We are requesting that an additional donation account be set up specifically for Animal Control shelter donations so that the money can be tracked separately from any other donations received.

Requested by: Chief William McKenna

E. Grant Confirmation and Approval - Health Department, Lead Prevention (Approved)

Date of Request: 2/14/201
Name of Grant: Lead Poisoning Prevention Financial Assistance
Amount \$9,556.00
Code: 3020-31000-79046-x-x-2014
Grant Period: **From:** 7/1/2013 **To:** 6/30/201
Type of State
Amount Loaned from General \$9,556.00
Department Administering Health Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Health Dept will provide family medicine, obstetric, and pediatric physicians with updated screening requirements. Displaying and distributing lead poisoning prevention information. Educating child care facilities on the dangers of lead poisoning. Health Dept will sponsor and participate in various wellness and diversity fairs, and Kids Safety Day.

Signature: Salvatore Nesci

F. Grant Confirmation and Approval - Health Department, Kids Expo (Approved)

Date of Request: 2/18/201
Name of Grant: Kids Safety Expo
Amount \$2,500.00
Code: 3070-31000-57030-x-03380
Grant Period: **From:** 7/1/2013 **To:** 6/30/201
Type of Local
Amount Loaned from General \$0.00
Department Administering Health Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Middletown Kids Health & Safety Day: offer educational information about wellness, interactive exhibits,

health screenings, child identification, etc.
Signature: Salvatore Nesci

10. Payment of all City bills when properly approved.

Councilman Thomas J. Serra reads and moves for approval payment of all City bills when properly approved. Councilman James B. Streeto seconds the motion. The Chair calls for the vote. It is 11 aye votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Robert P. Santangelo, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah Kleckowski, Councilman James B. Streeto; 1 nay vote by Councilman David Bauer. The Chair states the matter carried with 11 affirmative votes and 1 in opposition.

11. Resolutions, Ordinances, etc.:

A. Approving the Feast of St. Sebastian as a special event to be held May 16 - May 18, 2014.

Councilman Thomas J. Serra reads and moves for approval the Feast of St. Sebastian as a special event to be held May 16 - May 18, 2014. Councilman Sebastian N. Giuliano seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No. 27-14
File Name ccstseb2014
Description Approving the Feast of St. Sebastian as a Special Event.
(Approved)

WHEREAS, the Feast of St. Sebastian has been held annually for 600 years in Melilli, Sicily, the ancestral home of many Middletown citizens; and

WHEREAS, each year Middletown’s Italian Community celebrates this religious Festival on the third weekend in May; and

WHEREAS, this year the 93rd annual Feast of St. Sebastian sponsored by St. Sebastian RC Church will be held between the hours of 6 p.m. to 10 p.m. on Friday, May 16th, and from 12 Noon to 10:00 p.m. Saturday, May 17th and Sunday, May 18th, 2014 and

WHEREAS, the annual feast of St. Sebastian draws large crowds to our City and contributes in many positive ways to the cultural and the spiritual well-being of our City.

WHEREAS, St. Sebastian RC Church is a non-profit, religious corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

1. That the annual feast of St. Sebastian scheduled for the third weekend of May, 2013 is hereby recognized as a special event;
2. That Section 188-5 of the Middletown Code of Ordinances be in effect for this special event.
3. That a portion of Pearl Street abutting St. Sebastian Church property from Washington Street south to the end of the Church property be closed as of 8 a.m. on Friday, May 16, 2014 through midnight, Sunday, May 18, 2014, in accordance with the directions of the Middletown Police Department.
4. That a portion of Washington Street, Main Street, Court Street, and Broad Street, be closed on Sunday, May 18, 2014, from 11:00 a.m. to 2:00 p.m., in accordance with the directions of the Middletown Police Department and the Connecticut Department of Public Safety.

Financial Impact: The 2013-2014 Police Department budget has funds (\$2,261) to cover the Department’s expenses for this event; Public Works will provide help during regular hours; the Health Department will inspect, using 1-1/2 hours of the Sanitarian’s time during normal work hours at an estimated cost of \$70; Park and Recreation will perform work during regular hours and the cost associated to it is approximately \$500 for delivery and pick up of trash barrels, picnic tables, and bleachers.

B. Approving authorizing the Finance Department to process payments from the Insurance and Claims Committee as stated in their draft minutes following their filing with the City and Town Clerk.

Councilman Grady L. Faulkner, Jr. reads and moves for approval authorizing the Finance Department to process payments from the Insurance and Claims Committee as stated in their draft minutes following their filing with the City and Town Clerk. Councilwoman Hope P. Kasper seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No.28-14

File Nameogcinsurance&claimscommitteeauthorizedsettle2014

DescriptionPayments of Insurance and Claims Committee

(Approved)

WHEREAS, the Insurance and Claims Committee is authorized to “review all claims by and against the City for approval of recommendations made by the General Counsel,” MIDDLETOWN, CONN., CODE § 23-6 (2013); and

WHEREAS, claims approved by the Committee are not typically accepted for payment by the Finance Department until after the Minutes documenting the approval of such payment have been ratified; and

WHEREAS, payment of claims can be delayed by a month or longer depending on when the next Committee Meeting occurs at which Minutes can be ratified;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN that payments approved by the Committee, as evidenced on draft minutes, may be accepted as final for processing by the Finance Department following filing of such with the City and Town Clerk.

C. **Approving a new position entitled Assistant General Counsel in the Office of the General Counsel, non-bargaining, salary grade 18 (\$35.34 - \$52.31) effective upon adoption.**

Councilwoman Mary A. Bartolotta reads and moves for approval a new position entitled Assistant General Counsel in the Office of the General Counsel, non-bargaining, salary grade 18 (\$35.34 - \$52.31) effective upon adoption. Councilman Robert P. Santangelo seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No.29-14

File NameGccasstgenrlcounsel2014

DescriptionAssistant General Counsel new position, non-bargaining.

(Approved)

WHEREAS, the merger of the former Personnel Department and Office of the City Attorney into the Office of the General Counsel has previously been approved; and

WHEREAS, the Office of the City Attorney historically operated with three attorneys and the Mayor’s Bi-Partisan Task Force on Efficiency in Government recommended returning to this level of staffing; and

WHEREAS, the Connecticut Conference of Municipalities has also reviewed attorney staffing for comparable cities to Middletown, noting that three full-time attorneys are employed in Enfield, Wallingford, East Hartford, Milford, and Manchester; and

WHEREAS, there is a demonstrated need for an additional attorney in the Office of the General Counsel;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: that the new position of Assistant General Counsel, non-bargaining, salary grade 18 (\$35.34 - \$52.31) be approved and shall become effective upon adoption.

Fiscal Impact: \$73,507 - \$108,805

Title:Deputy Assistant General Counsel

Department:Office of the General Counsel

Date:March 2001Revised February 2014

Salary Grade: 18 24 (E)

Purpose of Position
The purpose of this position is to provide legal representation to the City, with a focus on labor law and relations, to provide legal advice and prepare legal opinions for the City in matters requiring interpretation of state, federal and local laws, regulations and contracts. Litigates cases on behalf of the City and represents the City on labor relations matters. The work is performed under the direction of the General Counsel.

Essential Duties and Responsibilities

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Researches legal issues. Prepares litigation pleadings, memoranda, letters, legal opinions; maintains legal publications.
- ~~May~~ Represents the City on matters involving labor relations including but not limited to Arbitrations, Grievance proceedings, CCHRO and negotiations as assigned.
- May litigate cases on behalf of the City as assigned.
- Attends Common Council meetings, Insurance and Claims Commission, ~~Personnel Review Commission (PRC) meetings and Ordinance Study~~ and General Counsel Commission and/or other meetings as directed by the General Counsel; Meets with City officials and employees; meets with Mayor or Mayor's staff to provide legal advice and assistance.
- Administers the Office of the General Counsel in the absence of the General Counsel and Deputy General Counsel.
- Attends Court, arbitration hearings and other proceedings.
- Review contracts and mail.
- Assists, monitors, and oversees outside and special counsel as needed.
- Performs site visits for code enforcement or road project issues.
- Performs other related functions as assigned or required.

Minimum Training and Experience Required to Perform Essential Job Functions

Juris Doctor, Admission to Practice before the Connecticut Courts and Admission to Practice before Federal Courts with a minimum of five years of general law experience, two years of which should include labor law.

Physical and Mental Abilities Required to Perform Essential Job Functions

Language Ability and Interpersonal Communication

- Requires the ability to perform upper-level data analysis, including the ability to hypothesize, theorize and assimilate, to modify or adapt existing policies/methods to meet unusual conditions within the context of existing theories and management principles.
- Requires the ability to apply principles of negotiation within the context of legal guidelines.
- Requires the ability to utilize reference, descriptive, consulting, design and advisory data and information such as pleadings, contracts, bid documents, legal opinions, statutes, City Charter, ordinances, law books, legal briefs, non-routine correspondence, economic analysis, and organizational analysis.
- Requires the ability to communicate orally and in writing with the General Counsel, Mayor, Common Council, City Department Heads and Directors, City employees and officials, boards, commissions, committees, other attorneys, Court personnel, Judges, the media and the public.

Mathematical Ability

- Requires the ability to perform addition, subtraction, multiplication and division; calculate percentages and decimals; may require the ability to perform mathematical operations with fractions and algebra.

Physical Requirements

- Requires the ability to operate, calibrate, tune and synchronize, and perform complex rapid adjustment on equipment, machinery and tools such as a computer and other office machines and/or related materials used in performing essential functions.
- Requires the ability to coordinate eyes, hands, feet and limbs in performing coordinated movements such as typing.
- Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and pulling of objects weighing up to twenty-five pounds.
- Requires the ability to recognize and identify degrees of similarities or differences between characteristics of colors, shapes, sounds, and textures associated with job-related objects, materials and tasks.

Environmental Adaptability

- Ability to work under generally safe and comfortable conditions where exposure to environmental factors may cause discomfort and poses a limited risk of injury.

The City of Middletown is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

D. **Approving the name of Pashley Lane and approving accepting it as a City Street.**

Councilman Carl R. Chisem reads and moves for approval the name of Pashley Lane and approving accepting it as a City Street. Councilman James B. Streeto seconds the motion.

Councilman Bauer hopes it will be a friendly amendment but states that 11D says it was unanimously voted; he doesn't know if that means everyone voted because it was, but it was not unanimously approved at the Public Works meeting. The Chair asks that he make a formal motion.

Motion to Amend

Councilman David Bauer moves for approval the amendment to the resolution to state it was approved but not unanimously at the Public Works meeting held on February 12. Councilwoman Mary A. Bartolotta seconds the motion.

Councilman Streeto states he doesn't remember if it was unanimous or not; he suggest as a friendly amendment if the maker and seconder accept removing the word unanimously only and say they voted at the meeting that would be factually accurate and solve the problem. The Chair asks if Councilman Bauer is comfortable with that. He responds very much so. The Chair states that will be the language.

The Chair calls for vote on amendment. It is unanimous to approve with 12 aye votes. The Chair states the amendment as presented by Councilman Bauer and slightly changed by Councilman Streeto is approved unanimously with twelve affirmative votes.

Councilman Bauer states he will vote no; he feels it will become a public access and maintained by the City upon acceptance and we are a City of history and culture is 350 years and naming streets should reflect that. Councilman Streeto states that is his recollection at the commission meeting of Councilman Bauer's position and we have some sympathy for that posture. The property owners in this case established a compelling reason for the name and it is their property. We can encourage them to take notice of Middletown's long history and the developer has a particular name in mind.

The Chair calls for the vote. It is 11 aye votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Robert P. Santangelo, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah Kleckowski, Councilman James B. Streeto; one nay vote by Councilman David Bauer. The Chair states the matter passes with 11 affirmative votes and 1 in opposition.

Resolution No. 30-14
File Name pwpashleylaneacceptance
Description Approving the name Pashley Lane and approving accepting it as a City Street.
(Amended and approved)

WHEREAS, the Public Works & Facilities Commission voted at its meeting held on February 12, 2014, to accept Pashley Lane, located off of Higby Road, as a city road.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That in accordance with the Middletown Code of Ordinance, the name, Pashley Lane, is hereby approved and the road is hereby accepted as a City road.

E. **Authorizing the Mayor to enter into a contract with Brian Wishneff & Associates for assisting the City regarding Federal Historic Tax Credits for the rehabilitation of the Eckersley Hall Building.**

Councilwoman Hope P. Kasper reads and moves for approval Authorizing the Mayor to enter into a contract with Brian Wishneff & Associates for assisting the City regarding Federal Historic Tax Credits for the rehabilitation of the Eckersley Hall Building. here. Councilman Grady L. Faulkner, Jr. seconds the motion.

The Chair states before we go to the vote, he would like to explain to the public that the Building Committee and Council reduced the total cost of this project in excess of \$1 million so far and he thanks Joe Samolis for his efforts by getting State tax credits and now by going in for federal historic tax credits; there is a possibility that we may be able to reduce the cost to the taxpayer even further.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No. 31-14
File Name srtaxcreditsEckersleyHall
Description Authorizing the Mayor to enter into a contract with Brian Wishneff & Associates for assisting the City regarding Federal Historic Tax Credits for the rehabilitation of the Eckersley Hall Building.
(Approved)

Whereas, Brian Wishneff & Associates has agreed to assist the City with tax credit consulting services related to the rehabilitation of the Eckersley Hall Building; and

Whereas, the consultant will explore the opportunity of utilizing Federal Historic Tax Credits to assist in funding a portion of the renovation cost for the Project; and

Whereas, the tax credits typically provide a tax credit of 20 percent of the Project's Qualified Rehabilitation expenditures; and

Whereas, the consultant will be paid from the total equity payment received but will not receive any funds if the tax credits are not secured.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:
That Mayor Daniel T. Drew be authorized to enter into a contract with Brian Wishneff & Associates for this consulting work.

F. Approving the lease to Jukonski Truck Sales and Services with a five year term at \$300 with an option to renew for an additional five years and authorizing the Mayor to execute said lease and other such documents necessary for the lease.

Councilwoman Mary A. Bartolotta reads and moves for approval the lease to Jukonski Truck Sales and Services with a five year term at \$300 with an option to renew for an additional five years and authorizing the Mayor to execute said lease and other such documents necessary for the lease. Councilman Robert P. Santangelo seconds the motion.

The Chair calls for the vote. It is 11 aye votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Robert P. Santangelo, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah Kleckowski, Councilman James B. Streeto; one nay vote by Councilman David Bauer. The Chair states the matter carried with 11 affirmative votes and 1 in opposition.

Resolution No. 32-14
File Name pcdjukonskitrucklease2014
Description Approving the lease to Jukonski Truck Sales and Services with a five year term at \$300 with an option to renew for an additional five years and authorizing the Mayor to execute said lease and other such documents necessary for the lease.
(Approved)

WHEREAS, Jukonski Truck Sales & Service, Ltd., a Connecticut stock corporation with its principal place of business located at 66 Thomas Street, Middletown, is presently leasing from the City a parcel of land located on Thomas Street for use as a parking lot; and

WHEREAS, Jukonski Truck Sales & Service, Ltd. has expressed its desire to renew its lease with the city including; and

WHEREAS, Jukonski Truck Sales & Service, Ltd. has requested that said renewal include an option for an additional five year term.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN THAT:

1. The Mayor is hereby authorized to execute and deliver a lease to Jukonski Truck Sales & Service, Ltd with a five (5) year term at \$300 per month, including an option to renew for an additional five (5) years.; and
2. The Mayor is hereby authorized to take such other actions and to execute and deliver such other agreements, documents, certificates, filings and other instruments as necessary to effect any and all matters contemplated by this Resolution.
3. Upon recommendation of the Economic Development Committee the provisions contained in Chapter 232 Article II Sale of Public Property are hereby waived in their entirety.

G. Approving waiving the Competitive Bid Requirement in accordance with Section 78-8 of the Middletown Code of Ordinances to purchase a storage shed from Kloter Farms in the amount of \$19,579.50.

Councilwoman Hope P. Kasper reads and moves for approval waiving the Competitive Bid Requirement in accordance with Section 78-8 of the Middletown Code of Ordinances to purchase a storage shed from Kloter Farms in the amount of \$19,579.50. Councilman Thomas J. Serra seconds the motion.

The Chair calls for the vote. It is 11 aye votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah Kleckowski, Councilman James B. Streeto, and Councilman David Bauer; and one nay votes by Councilman Grady L. Faulkner, Jr. The Chair states the matter passes with eleven affirmative votes and one in opposition.

Resolution No. 33-14
File Name pwkloterfarmssshedbidwiaver
Description Approving waiving the Competitive Bid Requirement in accordance with Section 78-8 of the Middletown Code Of Ordinances to purchase a storage shed from Kloter Farms in the amount of \$19,579.50.
(Approved)

Whereas, a shed is needed to store City maintenance equipment and supplies for 58 Bernie O'Rourke Drive; and

Whereas, due to the location being prone to flooding, a second floor is needed to relocate items and keep them safe from water damage; and

Whereas, quotes were sought from various vendors of sheds, but vendors for two-story sheds are limited; and

Whereas, only two vendors met the minimum specifications, with the price difference among the two being \$459; and

Whereas, Kloter Farms met the requested specifications more closely than the other vendor; and
Whereas, the Common Council already approved LOCIP funding for this expenditure at its meeting on June 3, 2013; and

Whereas, the Standardization Committee approved the bid waiver with a vote of 2-0 on Friday, February 21, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:
That a bid waiver, in accordance with Section 78-8 of the Middletown Code of Ordinances, be approved to purchase the storage shed from Kloter Farms in the amount of \$19,579.50.

H. Approving a fixed partial tax abatement for AJ Property Holdings, LLC for the construction of their 6,000 sq. ft. building pursuant to Section 272-9 of the Middletown Code of Ordinances.

Councilman Gerald E. Daley reads and moves for approval a fixed partial tax abatement for AJ Property Holdings, LLC for the construction of their 6,000 sq. ft. building pursuant to Section 272-9 of the Middletown Code of Ordinances. Councilman Carl R. Chisem seconds the motion.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No. 34-14
File Name pcd141Coetax&businessincentive
Description Approving a fixed partial tax abatement for AJ Property Holdings, LLC for the construction of their 6,000 square foot building pursuant to Section 272-9 of the Middletown Code of Ordinances.
(Approved)

WHEREAS, AJ Property Holdings, LLC has demolished an existing building paying \$4,900 in annual taxes and has constructed a new 6,000 sq. ft. state of the art medical office at 141 Coe Avenue which will result in a net increase of approximately \$453,000 to the grand list and approximately \$12,000 in new taxes per year, and

WHEREAS, AJ has submitted an application under the Tax and Business Incentive Program (Reference: Section 272-9 of Middletown Code of Ordinances) requesting a partial real estate property tax abatement, and

WHEREAS, at the February 20th, 2014 meeting of the Economic Development Committee, the Committee reviewed the application and voted unanimously to recommend assisting the AJ LLC by recommending partial tax abatement, and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:
That a fixed partial tax abatement is approved for AJ, LLC for the construction of their 6,000 sf building pursuant to Section 272-9 of the Middletown Code of Ordinances.

FISCAL IMPACT: To encourage the expansion of existing business and attraction of new businesses, the City of Middletown Tax and Business Incentive Program provides tax abatements. This project will qualify for a two (2) year abatement and allow the doctors to make additional investment in equipment. as follows:

Assessed Value - \$630,000		
Year 1 Tax	\$6,980	40%
Year 2 Tax	\$12,216	70%
Years 3 Tax	\$17,451	100%

- *Does not include significant personal property tax in medical office.
- *Taxes abated will be fully recouped in year 5.
- *All calculations are estimates.
- *If the doctors did not make this investment the city would continue to receive only \$4900 / year in taxes

I. **Approving an ordinance amending Section 272-22 Effective date; expiration. of Chapter 272 of the Middletown Code of Ordinances to extend the tax relief program for qualifying Seniors.**

Councilwoman Mary A. Bartolotta reads and moves for approval an ordinance amending Section 272-22 Effective date; expiration. of Chapter 272 of the Middletown Code of Ordinances to extend the tax relief program for qualifying Seniors. Councilman Thomas J. Serra seconds the motion.

The Chair points out before the vote, two years ago when the Council passed the senior tax relief program there was a two year horizon and an option to renew and this will make the program permanent that was put in place two years ago.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Ordinance No. 04-14
File Name sec272-22Senior CitizenTaxRelief
Description Approving an ordinance amending Section 272-22. Effective date; expiration. of Chapter 272 of the Middletown Code of Ordinances to extend the tax relief program for qualifying Seniors.
(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Section 272-22 of the Middletown Code of Ordinances be revised to read as follows:
§ 272-22 Effective date; expiration.

- A.
This article shall apply to the taxes for the fiscal year beginning July 1, 201~~23~~, ~~and shall be reviewed thereafter bi-annually during the month of September, beginning in September 2013.~~ Any amendments to the ordinances in this article shall be effective as of the date set forth in said section.
- B.
~~Unless otherwise extended, t~~**his tax relief shall continue in effect until repealed by further action of the Common Council**~~expire after the Grand List of October 1, 2013.~~

J. **Approving an ordinance amending Article III Storage of Solid Waste and Recyclable Solid Waste by adding new Sections 253-23 through 253-26 regarding the storing of solid waste, placement of containers, time restriction for the placement of containers and failure to remove solid waste or recycling containers.**

Councilman Carl R. Chisem reads and moves for approval an ordinance amending Article III Storage of Solid Waste and Recyclable Solid Waste by adding new Sections 253-23 through 253-26 regarding the storing of solid waste, placement of containers, time restriction for the placement of containers and failure to remove solid waste or recycling containers. Councilwoman Deborah Kleckowski seconds the motion.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Ordinance No. 05-14
File Name sec253-23-26sanitationordinance
Description Approving an ordinance amending Article III Storage of Solid Waste and Recyclable Solid Waste. By adding new Sections 253-23 through 253-26 regarding the storing of

solid waste, placement of containers, time restriction for the placement of containers and failure to remove solid waste or recycling containers.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Chapter 253. SOLID WASTE. of the Middletown Code of Ordinances be and hereby is amended by adding Article III, Storage of Solid Waste and Recyclable Solid Waste, and new sections, §253-23 through §253-26, to read as follows:

Article III: Storage of Solid Waste and Recyclable Solid Waste

§253-23. Storing of Solid Waste.

A. All persons occupying or maintaining any premises within the town where refuse and recyclable materials are created, produced or accumulated shall maintain, at a suitable place upon such premises, approved refuse or recycling containers for receiving and holding all refuse and recyclable materials produced, created or accumulated on such premises. Solid waste containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely-fitting covers. Said containers shall be kept closed at all times.

B. No person shall accumulate, store or require the storage or handling of solid waste or recyclable materials in such a manner so as to promote the propagation, harborage or attraction of bacteria or vermin or so as to create a nuisance or hazard to public travel, health or safety. As such, garbage shall not be stored by a person for more than seven days, exclusively of holidays.

C. Any uncontained accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited.

§253-24. Placement of Containers.

Solid Waste and/or Recycling containers shall be placed at curbside for the scheduled collection. During no other time and for no other purpose shall said containers be placed or left upon any sidewalk, street or public place.

§253-25. Time Restriction on Placement of Containers.

No person shall place any solid waste container at the location designated for collection by the City more than twenty-four (24) hours prior to said collection. After collection has been completed and the containers emptied by the town, the property owner or occupant must remove the empty containers from the street within twenty-four (24) hours of the day of collection.

§253-26. Failure to Remove Solid Waste Containers or Recycling Containers

A. Failure to remove any Solid Waste or Recycling containers within twenty-four (24) hours of the day of collection is deemed a violation of this ordinance. Each continuing day of noncompliance with the provisions of this ordinance shall constitute a separate violation.

B. Any owner or occupant who violates this ordinance shall be liable for a fine of \$25 for each violation.

C. The imposition of the monetary penalties set forth herein shall not preclude the town from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.

- K. Approving the Memorandum of Understanding between the City of Middletown and Local #466, AFSCME Council #4 to address Article VII, Sections 3(B) and 11 of the Collective Bargaining Agreement to limit the amount of vacation that a Union member can carry-over to eight weeks and to provide Union members until June 30, 2014 to draw down vacation time.**

Councilman Thomas J. Serra reads and moves for approval agenda item 11K, the Memorandum of Understanding between the City of Middletown and Local #466, AFSCME Council #4 to address Article VII, Sections 3(B) and 11 of the Collective Bargaining Agreement to limit the amount of vacation that a Union member can carry-over to eight weeks and to provide Union members until June 30, 2014 to draw down vacation time. Councilwoman Deborah Kleckowski seconds the motion.

The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Resolution No.
File Name

35-14
ogcmou466vacationdrawdownextension; ogcmou466agreementvacation

Description **Approving the MOU between the city of Middletown and Local #466, AFSCME, Council #4, Article VII, Sections 3(B) and 11 of the Collective Bargaining Agreement regarding carry-over of vacation.**
(Approved)

WHEREAS, the City and Local #466 of AFSCME Council #4 (“Union” or “Local 466”) proactively met on January 6, 2014 to discuss Article VII, Sections 3(B) and 11 of the Collective Bargaining Agreement, which were implemented during the last contract negotiations to limit the amount of vacation that a Union member can carry-over to eight (8) weeks and to provide the Union members until June 30, 2014 to draw down on said vacation time.

WHEREAS, several 466 members currently hold vacation time well in excess of eight (8) weeks and the June 30, 2014 date is fast approaching. In an effort to provide said employees more time to draw down and use said vacation time instead of cashing out said vacation time, the City and the Union met and agreed to the terms set forth below.

WHEREAS, the City feels that fiscally this change is in the best interest of the City of Middletown and Board of Education as it will encourage employees to use their vacation time, limit cash outs, and will result in a positive financial impact to future budgets by limiting vacation carry over to eight (8) weeks.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor is authorized to execute the Memorandum of Understanding between the City of Middletown and the Local#466 of AFSCME Council #4.

Financial Impact: For future budgets, this will limit accumulated vacation time and payouts; for the current year’s budget, the impact will be cost neutral.

MOU Vacation Draw Down Extension

Memorandum of Understanding
Between
THE CITY OF MIDDLETOWN
And
LOCAL #466 OF COUNCIL #4, AFSCME, AFL-CIO

This Memorandum of Understanding is entered into between the City of Middletown ("City") and Local #466 of AFSCME Council #4 ("Union" or "Local 466"). The City and the Union have a collective bargaining agreement in effect through June 30, 2014 ("CBA").

WHEREAS, the City and the Union proactively met on January 6, 2014 to discuss Article VII, Sections 3(B) and 11, which were implemented during the last contract negotiations to limit the amount of vacation that a Union member can carry-over to eight (8) weeks and to provide the Union members until June 30, 2014 to draw down on said vacation time.

WHEREAS, several 466 members currently hold vacation time well in excess of eight (8) weeks and the June 30, 2014 date is fast approaching. In an effort to provide said employees more time to draw down and use said vacation time, the City and the Union met and agreed to the terms set forth below.

NOW, THEREFORE, in consideration of the mutual promises and covenants provided for herein, the City and the Union agree as follows:

- BOE 466 Members:
 - Board of Education 466 members shall continue to have until June 30, 2014 to draw down on their vacation time to eight (8) weeks. Each BOE 466 member who has more than eight weeks of accrued vacation shall be encouraged to take off said time before the June 30, 2014 cut-off date. If, as of that date, a 466 member has requested time off in an effort to draw down on his/her vacation time to eight weeks, but said request has been denied by his/her supervisor for any reason, then the 466 BOE member shall be allowed to receive pay in lieu of vacation time for any time so denied. In the alternative, if the 466 BOE member has had an opportunity to take vacation time, but has not taken advantage of said opportunity (or, in other words, has not requested the time-off and taken it prior to June 30, 2014) then the BOE 466 member shall forfeit any vacation time exceeding eight (8) weeks as of June 30, 2014.
- City Side 466 Members:
 - Local 466 members on the City side shall be permitted an additional six (6) months or until December 31, 2014 to draw down on their vacation time.
 - Any 466 member requesting vacation time must comply with the requirements of the current CBA for doing so. See, e.g., Article VII, Section 3(C).
 - The language of Article VII, Section 3(B) shall be substituted with the following language: If a director or supervisor denies a member's request for vacation who is trying to draw down their vacation to eight (8) weeks from now until December 31, 2014, said member will have the option to receive pay in lieu of vacation.
 - Any vacation time beyond eight-weeks on the books as of December 31, 2014 will be forfeited unless a payout is permissible in accordance with Paragraph 2(c) above (the new Article VII, Section 3(B)).
 - For purposes of drawing down vacation time, City side 466 members shall either use their time or put in for time off (to be used in December 2014) by November 30, 2014. If an employee has more than eight vacation weeks on the books as of December 1, 2014, has not requested time off for December by the November 30, 2014 cut-off date, and does not qualify for a

Ok

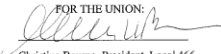
payout as set forth in Paragraph 2c above, any accrued vacation time beyond eight (8) weeks shall be forfeited.

3. The Union shall inform its membership of this MOU and encourage said members to draw down their vacation as set forth herein. Similarly, directors will be encouraged to grant vacation requests in accordance with this MOU and the current contract. In other words, such requests shall not be unreasonably denied.

FOR THE CITY:

Daniel T. Drew, Mayor
Dated: _____

FOR THE UNION:


Christine Bourne, President, Local 466
Dated: 2-12-14

2

11L. Approving Middletown's representatives to the Mattabassett Board to be seated in the order as listed from the shortest available term to the longest: Joseph Samolis, David Bauer, Dale Aldieri, and Thomas Serra.

Councilman James B. Streeto reads and moves for approval the appointment of Middletown's representatives to the Mattabassett Board to be seated in the order as listed from the shortest available term to the longest: Joseph Samolis, David Bauer, Dale Aldieri, and Thomas Serra, and immediately after having been seated to offer a resolution to the Mattabassett District to release the sum of \$13,000,000 in escrow with the Mattabassett District in completion of the requirements of Special Act No. 11-15. Councilman Robert P. Santangelo seconds the motion.

The Chair recognizes Councilman Giuliano who states during the process Middletown has shown its good faith and under normal circumstances a resolution like this should have come to us earlier but Cromwell only acted recently and the Mayor has taken the bull by the horns so that Middletown can continue to show good faith; he will be supporting this resolution this evening. Councilman Bauer states given the names in the resolution, he intends to remain silent for the debate and the vote. The Chair states for the people watching, Councilman Bauer and Councilman Serra are appointees. Councilman Serra states this is a historic day. The Spring of 1994, this came about and Councilman Vinci started to talk about this and 20 years later this has happened. He wants to thank all the Councils and all the Mayors that sat during this time; now we can go about our business with the riverfront. We can now go about the business to ensure the rates are reasonable with our service delivery with the district. Councilwoman Driska states the individuals will do a good job and she wonders why a woman is not on this list. The Chair states it was not a conscious selection; these were the people who came up who had the experience within this realm. Councilwoman Driska states there was no deference to party in this, correct. The Chair states it is two Democrats and two Republicans and it is a higher standard than the law. Councilman Streeto points out that it could be more inclusive, but notes that you have a representative from either party of the Council, a representative of the WPCA and one from the Mayor's Office. You have covered the gamut of Middletown entities that would have issue and thinks it is a good selection and urges approval. The Chair states to Councilman Serra's point and to Councilman Giuliano's point, this is a major step forward and required the cooperation of a number of people from the start with Councilman Serra as Mayor and Councilman Giuliano as Mayor, as well as Mayor Thornton and Mayor Holzberg, and every Council was part of the process. Director Guy Russo deserves a tremendous amount of credit; our legislative delegation deserves a tremendous amount of credit for their work which has been substantial. The towns of Cromwell, Berlin and New Britain have been working closely with us as has the Mattabassett District. This is a massive undertaking that required efforts of a lot of people over a number of years. We are coming together to build something that will be here long after each of us are gone. He thanks everyone who was involved. He calls for the vote.

It is 10 aye votes by Councilman Thomas J. Serra, Councilwoman Hope P. Kasper, Councilman Robert P. Santangelo, Councilman Grady L. Faulkner, Jr., Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah

Kleckowski, Councilman James B. Streeto; one nay vote by Councilwoman Mary A. Bartolotta; and one abstention by Councilman David Bauer. The Chair states the matter passes with 10 affirmative votes, one in opposition and one abstention.

Resolution No. 36-14
File Name ccMattabassettDistrictboardappts02 27 14
Description Approving Middletown's representatives to the Mattabassett Board to be seated in the order as listed from the shortest available term to the longest: Joseph Samolis, David Bauer, Dale Aldieri, and Thomas Serra.
(Approved)

WHEREAS, effective with all constituent communities of the Mattabassett District having approved and voted the inclusion of the City of Middletown as a member community, consistent with Special Act No. 11-15; and

WHEREAS, the City of Middletown is entitled to seat four (4) members on the Mattabassett District Board; and

WHEREAS; the terms of these new members is as yet undetermined;

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT: The following citizens are to be seated as Middletown's representatives to the Mattabassett Board, and are to be seated in the following order from shortest available to longest available term;

- (1) Joseph Samolis
- (2) David Bauer
- (3) Dale Aldieri
- (4) Thomas J. Serra;

And

BE IT FURTHER RESOLVED THAT: Immediately after having been seated, the Middletown representatives will offer a resolution to the Mattabassett District to release the sum of \$13,000,000 in funds, currently in escrow with the Mattabassett District in completion of the requirements of Special Act No. 11-15.

12. Mayor's Appointments.
(Approved)

The Chair reads the appointments and asks for a motion to approve.

Standardization and Specification Committee:
Reappointment of Joe Samolis to January 31, 2016.

Human Relations Committee:
Appointment of Richard Kagan to January 31, 2015.

Middletown Commission on the Arts:
Appointment of Sara Macsorley to June 30, 2016.

Councilman Thomas J. Serra reads and moves for approval Mayor's Appointments. Councilwoman Mary A. Bartolotta seconds the motion. The Chair calls for the vote. It is unanimous to approve with 12 aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

13. Contingency Fund Transfers (none).

The Chair states he has no contingency fund transfers to report.

14. Meeting adjourned.

Councilman Thomas J. Serra moves to adjourn the Meeting. Councilman James B. Streeto seconds the motion. The Chair calls for the vote. It is unanimous to adjourn with 12 aye votes. The Chair states the meeting is adjourned at 8:30

ATTEST:

MARIE O. NORWOOD, COUNCIL CLERK